



SPEED- POST

File No. A-14011/1/2021-MON

Date: 27/04/2021

To,  
Chairman  
All SPCBs / PCCs [List enclosed]

**DIRECTIONS UNDER SECTION 5 OF ENVIRONMENT (PROTECTION) ACT, 1986 REGARDING IMPLEMENTATION OF ENVIRONMENT COMPENSATION REGIME OF NOISE POLLUTION.**

WHEREAS, under Section 17 (1) (a) of the Air (Prevention and Control of Pollution) Act, 1981, one of the functions of the State Pollution Control Boards (SPCBs)/Pollution Control Committees (PCCs) is to plan a comprehensive programme for prevention, control or abatement of air pollution in the State and to secure the execution thereof; and

WHEREAS, under section 2(a) of Air (Prevention and Control of Pollution) Act, 1981 noise is defined as air pollutant; and

WHEREAS, as per the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, following responsibilities are vested with CPCB and SPCBs:

1. The noise levels in any area/zone shall not exceed the ambient air quality standards in respect of noise as specified in the Schedule, and
2. The respective State Pollution Control Boards (SPCBs) or Pollution Control Committees (PCCs) in consultation with the Central Pollution Control Board shall collect, compile and publish technical and statistical data relating to noise pollution and measures devised for its effective prevention, control and abatement.

WHEREAS, as per rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 of Environment (Protection) Act, 1986, the designated authority is responsible for the enforcement of noise pollution control measures and the due compliance of the ambient air quality standards in respect of noise; and

WHEREAS, under section 19 of The Environment (Protection) Act, 1986, No court shall take cognizance of any offence under this Act except on a complaint made by—

*“(a) the Central Government or any authority or officer authorised in this behalf by that Government; or*

*(b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the authority or officer authorized as aforesaid.”*

o/c

**WHEREAS**, section 15(1) of The Environment (Protection) Act, 1986 states that:

*"Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules made or orders or directions issued thereunder, shall, in respect of each such failure or contravention, be punishable with imprisonment for a term which may extend to five years or with fine which may extend to one lakh rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to five thousand rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention."*

**WHEREAS**, section 9(3) of The Environment (Protection) Act, 1986, 1986 states that:

*"The expenses, if any, incurred by any authority or agency with respect to the remedial measures referred to in sub-section (2), together with interest (at such reasonable rate as the Government may, by order, fix) from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand."*

**WHEREAS**, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 01/08/2019, Hon'ble NGT directed CPCB as follows:

*"The CPCB needs to devise the scale of compensation to be adopted as a measure to enforce the Rule 4(2) of the Noise Pollution (Regulation and Control) Rules, 2000 by the concerned authority on the basis of 'Polluter Pays' principle. Though violation of the rules like the Noise Rules here, is a criminal offence punishable under Section 15 of the Environment (Protection) Act, 1986 with imprisonment upto five years and fine upto Rs. 1 lakh, since prosecution of a non-cognizable offence may have its own limitations, civil liability on 'Polluter Pays' principle can be invoked by the enforcement regulatory authority as per the guidelines which may be laid down by the CPCB. The scale of compensation may have reference to the extent and severity of default and whether the default is a repeated offence."*

**WHEREAS**, in compliance to directions of Hon'ble NGT, CPCB prepared scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000 and submitted report to Hon'ble NGT on 14/11/2019 (copy attached); and

**WHEREAS**, Hon'ble NGT CPCB vide order dated 15.11.2019 directed CPCB as:

- a. Compensation for bursting of crackers at serial no 4 needs to be suitably revised and needs to be different for different class of defaulters and frequencies of default.
- b. CPCB may lay down stringent compensation for tampering with sound limiters to ensure that same is not restored to.

**WHEREAS**, in compliance to directions of Hon'ble NGT CPCB prepared revised report on scale of compensation for Violation of the Noise Pollution (Regulation and


Control)Rules, 2000 and submitted report to Hon'ble NGT on 12/06/2020(copy attached); and

**WHEREAS**, In the matter of O.A NO 519/2016, 496/2018, 196/2018 and 197/2018 dated 11/08/2020, Hon'ble NGT further directed CPCB as follows:

*"While we find that certain steps have been taken by the Delhi Police, Delhi Government, DPCC and the CPCB, further steps are required to ensure that the noise pollution norms are enforced at the ground level for protection of public health and the environment in the light of orders already passed. We are of the view that the compensation scale laid down by the CPCB may be enforced throughout India. The CPCB may issue appropriate statutory orders for the purpose for being complied with in all the States/UTs."*

**NOW, THEREFORE**, in view of the above stated facts and to ensure compliance of the existing rules and prevent further violation of noise levels with respect to prescribed standards/limit and in exercise of the powers delegated to the Chairman, CPCB under section 5 of Environment (Protection) Act, 1986, it is hereby directed that Chairman ..... SPCB shall direct designated Authorities of the State to implement *Scale of compensation for Violation of the Noise Pollution (Regulation and Control) Rules, 2000* as accepted by Hon'ble NGT.

The Chairman, SPCB shall acknowledge the receipt of this direction within 15 days and shall communicate the status on the action plan and its implementation.

  
27/04/2021 [Shiv Das Meena]  
Chairman

**Copy to:**

1. The Secretary,  
Ministry of Environment, Forests, & Climate Change  
Indira Bhawan, Aliganj, Jorbagh Road,  
New Delhi-110003
2. The Regional Director, CPCB  
(Bengaluru, Bhopal, Chandigarh, Chennai, Lucknow,  
Kolkata, Pune, Shillong , Vadodara)
3. The DH-IT Division

  
[Prashant Gargava]  
Member Secretary

### List of SPCBs/PCCs

Sl. No.	States / UTs
1.	Andaman & Nicobar Islands
2.	Andhra Pradesh
3.	Arunachal Pradesh
4.	Assam
5.	Bihar
6.	Chandigarh
7.	Chhattisgarh
8.	Daman Diu & Dadara Nagar Haveli
9.	Goa
10.	Gujarat
11.	Haryana
12.	Himachal Pradesh
13.	Jammu & Kashmir
14.	Jharkhand
15.	Karnataka
16.	Kerala
17.	Lakshdweep
18.	Madhya Pradesh
19.	Maharashtra
20.	Manipur
21.	Meghalaya
22.	Mizoram
23.	Nagaland
24.	NCT of Delhi
25.	Odisha
26.	Pondicherry
27.	Punjab
28.	Rajasthan
29.	Sikkim
30.	Tamil Nadu
31.	Telangana
32.	Tripura
33.	Uttar Pradesh
34.	Uttarakhand
35.	West Bengal

**Sl. No. REGIONAL DIRECTORATE , CPCB****State Covered**

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|---|--|--|
| 1 | <b>Regional Directorate, Bengaluru</b><br>A-Block, Nisarga Bhavan, 1st and 2nd Floors, 7th D Cross,<br>Thimmaiah Road, Shivanagar, Bengaluru-560079  | 1. Karnataka<br>2. Telangana<br>3. Lakshdweep  |
| 2 | <b>Regional Directorate, Bhopal</b><br>Parivesh Bhawan, Paryavaran Parisar E-5, Arera Colony,<br>Bhopal-462016   | 1. Madhya Pradesh<br>2. Rajasthan<br>3. Chhattisgarh   |
| 3 | <b>Regional Directorate, Chennai</b><br><br>Second Floor, No.77-A, South Avenue Road, Ambattur<br>Industrial Estate, Ambattur Taluk, Thiruvallur District,<br>Chennai- 600 058, Tamil Nadu | 1. Andhra Pradesh<br>2. Kerala<br>3. Tamil Nadu<br>4. Puducherry   |
| 4 | <b>Sh. Sunil Dave</b><br><b>Regional Directorate, Chandigarh</b>   | 1. Jammu & Kashmir<br>2. Himachal Pradesh<br>3. Punjab<br>4. Haryana<br>5. Chandigarh<br>6. Delhi                      |
| 5 | <b>Regional Directorate, Kolkata</b><br><br>'South end Conclave' Block-502, 5th & 6th Floor, 1582,<br>Razidanga, Main Road, Kolkata700107  | 1. Andaman & Nicobar<br>Islands<br>2. Bihar<br>3. Jharkhand<br>4. Odisha<br>5. West Bengal                             |
| 6 | <b>Regional Directorate, Lucknow</b><br>PICUP Bhawan, Vibhuti Khand, Gomti Nagar,Lucknow -<br>226010   | 1. Uttar Pradesh<br>2. Uttarakhand   |
| 7 | <b>Regional Directorate, Vadodara</b><br>Parivesh Bhawan, Opp. Ward No. 10 VMC Office Subhanpura,<br>Vadodara - 390 023  | 1. Gujarat<br>2. Daman, Diu & Dadra<br>Nagar Haveli  |
| 8 | <b>Sh. Bharat Kumar Sharma</b><br><b>Regional Directorate, Pune</b>  | 1. Goa<br>2. Maharashtra   |
| 9 | <b>Regional Directorate, Shillong</b><br><br>"TUM-SIR". Lower Motinagar, Near Fire Brigade H.Q.,<br>Shillong793014   | 1. Arunachal Pradesh<br>2. Assam<br>3. Nagaland<br>4. Meghalaya<br>5. Manipur<br>6. Mizoram<br>7. Sikkim<br>8. Tripura |